

REMARKS

Status of the Claims

Claims 1-46 and 49-51 are currently in the case.

The '285 patent neither teaches nor suggests the claimed invention.

The Action has rejected claims 1, 3, 5, 16-17 and 19-22 under §102(b) as anticipated by US Patent 5,223,285 ('285) and rejects claims 2, 4, 6-15, 18, 23-46, and 49-51 under §103(a) as obvious over '285. Applicant continues to respectfully traverse the rejections.

The Examiner is requested to consider that the present claims are limited to formulations with a specific unsaturated fatty acid content that has been designed for a particular purpose. For example, claim 1 recites a composition comprising "an unsaturated fatty acid portion, wherein said unsaturated fatty acid portion **consists of** γ -linolenic acid, a Δ^5 desaturase inhibitor, and optionally a competitive inhibitor of arachidonic acid metabolism." The '285 patent cannot anticipate this claim because it does not describe such a composition. No composition described in the '285 patent has the claimed unsaturated fatty acid portion.

The Examiner points to Table 5 in Col 13 as an example of an anticipating formula. This formula, however, contains a unsaturated fatty acid portion that includes oleic acid, linoleic acid, alpha-linolenic acid, and docosahexaenoic acid in addition to gamma-linolenic, eicosapentaenoic and stearidonic acids. Therefore, these compositions contribute only about 18% of the unsaturated fatty acid portion and do not fall within the scope of claim 1. This composition described in the '285 patent thus in no way can be said to anticipate the rejected claims.

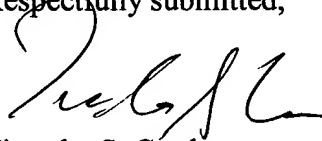
Applicant respectfully requests that the rejection under 102 be withdrawn.

Neither does the '285 patent suggest limiting the unsaturated fatty acid portion in a way that would suggest the claimed invention. The '285 rather describes high fat content formulations with added fish oil, and in no way suggests limiting the unsaturated fatty acids as in the present claims. Because of the specific effect sought by the inventor, the other fatty acids supplied as nutrients for patients with lung disease as described in the '285 patent are not desired or necessary in the claimed formulas, and the '285 patent thus does not anticipate nor suggest the claimed inventions. Based on the disclosure of the '285 patent, one of skill in the art would find no motivation to pick certain ingredients from a larger formula in order to arrive at the claimed invention. Neither has the Examiner pointed to any motivation contained within the prior art to modify the formulations in the reference by removing any unsaturated fatty acids.

Because the '285 patent does not describe or suggest the claimed invention, Applicant respectfully requests that all rejections over the '285 patent be withdrawn.

If the Examiner has any questions or suggestions that would help the present application proceed more quickly to allowance, a telephone call to the undersigned is earnestly solicited.

Respectfully submitted,



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